

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

TWILIGHT RECORDS INC., an Illinois corporation, and )  
assignee of Sylvester Thompson p/k/a Syl Johnson and )  
SYL-ZEL MUSIC INC., an Illinois Corporation )  
Plaintiffs, )

v. )

No:13cv7057

USHER RAYMOND a/k/a USHER, KENDRICK LAMAR )  
DUCKWORTH a/k/a KENDRICK LAMAR, BRYAN SLEDGE )  
a/k/a BJ THE CHICAGO KID, WILLIAM JONATHAN )  
DRAYTON JR. a/k/a FLAVOR FLAV, LISA WILLIAMSON )  
a/k/a/ SISTER SOULJAH, CARLTON DOUGLAS RIDENHOUR )  
a/k/a CHUCK D, RICHARD GRIFFIN a/k/a PROFESSOR GRIFF )  
NORMAN LEE ROGERS a/k/a TERMINATOR X, KHARI )  
JAMES WYNN, BRIAN CASEY a/k/a BRASCO, BRANDON )  
CASEY a/k/a CASE, KYLE NORMAN a/k/a QUICK, RICHARD )  
WINGO a/k/a WINGO, JOSEPH SIMMONS a/k/a REV RUN, )  
DARRYL MCDANIELS a/k/a DMC, IVAN TABACK )  
ADMINISTRATOR of the ESTATE OF JASON MIZELL a/k/a )  
JAM MASTER JAY, ANTHONY CRISS a/k/a TREACH, )  
VINCENT BROWN a/k/a VIN ROCK, KIER GIST a/k/a DJ KAY )  
GEE, ANDRE WESTON a/k/a DRAY a/k/a KRAZY DRAYZY, )  
WILLIAM HINES a/k/a WILLIE a/k/a SKOOB, ANTHONY )  
TERELL SMITH a/k/a TONE LOC, TRACY LYN CURRY a/k/a )  
THE D.O. C, LUTHER RODERICK CAMPBELL a/k/a UNCLE )  
LUKE, DAVID HOBBS a/k/a MR. MIXX, CHRIS WONG WON )  
a/k/a FRESH KID ICE, YURI VIOLET a/k/a AMAZING V, )  
MARK ROSS a/k/a BROTHER MARQUIS, LARRY DOBSON )  
a/k/a VERB, MARK WAHLBERG a/k/a MARKY MARK, )  
DONNIE WAHLBERG, DANNY WOOD, SCOTT ROSS a/k/a )  
SCOTTIE GEE, HECTOR BARROS, ANTHONY THOMAS )  
a/k/a ASHLEY ACE, TERRY YANCEY a/k/a DJ-T, THOMAS )  
POUGH a/k/a DJ POLO, MELVIN GLOVER a/k/a MELLE MEL, )  
EDWARD MORRIS a/k/a SCORPIO a/k/a MR. NESS, SONY )  
MUSIC ENTERTAINMENT a corporation, UNIVERSAL MUSIC )  
GROUP a corporation, WARNER MUSIC GROUP a corporation )  
LAFACE RECORDS a corporation, LUKESKYWALKER )  
RECORDS a corporation d/b/a LUKE RECORDS, ISLAND DEF )  
JAM RECORDS a corporation, MOTOWN RECORDS a )  
corporation, EPIC RECORDS a corporation, , TOMMY BOY )  
RECORDS a corporation, DELICIOUS VINYL a corporation, )  
RUTHLESS RECORDS a corporation, INTERSCOPE )  
RECORDS a corporation and M.A.F.E. Music a corporation )  
Defendants. )

Judge:

## **COMPLAINT**

Plaintiff, TWILIGHT RECORDS INC (hereinafter “Twilight”), an Illinois Corporation and assignee of SYLVESTER THOMPSON p/k/a Syl JOHNSON (hereinafter “Johnson”) and SYL-ZELMUSIC INC.,(hereinafter “Syl-Zel”), by and through their attorney, Amina Dowuonah and the Dowuonah Law Office, complain against Defendants USHER RAYMOND, KENDRICK LAMAR DUCKWORTH, BRYAN SLEDGE, WILLIAM JONATHAN DRAYTON JR., LISA WILLIAMSON, CARLTON DOUGLAS RIDENHOUR, RICHARD GRIFFIN, NORMAN LEE ROGERS, KHARI JAMES WYNN, BRIAN CASEY, BRANDON CASE, KYLE NORMAN, RICHARD WINGO, JOSEPH SIMMONS, DARRYL MCDANIELS, IVAN TABACK, Administrator of the ESTATE OF JASON MIZELL, ANTHONY CRISS, VINCENT BROWN, KIER GIST, ANDRE WESTON, WILLIAM HINES, ANTHONY TEREILL SMITH, TRACY LYN CURRY, LUTHER RODERICK CAMPBELL, DAVID HOBBS, CHRIS WONG WON, YURI VIOLET, MARK ROSS, LARRY DOBSON, MARK WAHLBERG, DONNIE WAHLBERG, DANNY WOOD, SCOTT ROSS, HECTOR BARROS, ANTHONY THOMAS, TERRY YANCEY, THOMAS POUGH, MELVIN GLOVER, EDWARD MORRIS, SONY MUSIC ENTERTAINMENT, UNIVERSAL MUSIC GROUP, WARNER MUSIC, LAFACE RECORDS, LUKESKY WALKER RECORDS, ISLAND DEF JAM RECORDS, MOTOWN RECORDS, EPIC RECORDS, TOMMY BOY RECORDS, DELICIOUS VINYL, RUTHLESS RECORDS, INTERSCOPE RECORDS and M.A.F.E. MUSIC as follows:

### **I. NATURE OF THIS ACTION**

1. This is a civil action seeking damages and injunctive relief for widespread, copyright infringement under the copyright laws of the United States (17 U.S.C. § 101 et seq.) as well as Illinois Common law copyright.

### **II. JURISDICTION AND VENUE**

2. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. Sections 1331 and 1338. This Court has federal question jurisdiction in this matter in that Plaintiff seeks damages and injunctive relief against Defendants named herein under Sections 501 through 505 of the Copyright Act of 1976, 17 U.S.C. § 101, et seq. and supplemental jurisdiction pursuant to 28 U.S.C. Section 1367 to hear the claims of Misappropriation and Unfair Competition which are based on Illinois common law copyright and arise under state law.

3. Venue lies within this Court pursuant to 28 U.S.C. Sections 1391(b)(2)-(3), 1391(c), 1391(d), and 1400(a) in that a substantial part of the acts and omissions giving rise to Plaintiff's claims occurred in this District. In particular, Johnson, a resident of Illinois recorded “Different Strokes,” the composition in question in this District. Furthermore, each and every Defendant, without the consent or permission of the copyright owners, illegally disseminated records containing portions of copyrighted works in every jurisdiction in the United States including this

District. Upon information and belief, all Defendants regularly and systematically carried and continue to carry out substantial, ongoing business activities in this District and are subject to personal jurisdiction in this district.

### **III. INTRODUCTION**

4. In 1967, Johnson produced, sang and recorded the composition “Different Strokes.” The composition “Different Strokes” was written and created by John Cameron and John Zachary. After February of 1972, Johnson recorded a derivative of his original recording “Different Strokes.” “Different Strokes” was distributed to the public to great acclaim and has been sampled by several artists.

5. As performer of the vocals on the song “Different Strokes”, Johnson owns the sound recording rights to both the 1967 and subsequent derivative version of “ Different strokes.” Mr. Johnson’s sound recording rights in the original recording of 1967 are protected from misappropriation and acts of unfair competition under Illinois common law. Mr. Johnson’s sound recording rights in the derivative recording are protected under federal sound recording copyright law. Mr. Johnson assigned his sound recording rights in both versions of Different Strokes to Plaintiff Twilight.

6. Writers John Zachary and Jon Cameron registered the copyright in the musical composition of “Different Strokes” with the United States Copyright Office and secured Certificate of Registration No. *EU9873*. The writers entered into an administration agreement with Plaintiff Syl-Zel Music by which Syl-Zel Music as music publisher was assigned the rights to administrate publishing.

7. Without Plaintiffs’ knowledge or consent, the individuals named as Defendants collectively infringed on Plaintiffs’ copyright in the composition of the song “Different Strokes” by copying and sampling portion of the original composition and illegally included it in their respective new compositions. The individuals named as Defendants still continue sell and profit from these compositions containing the infringement.

8. Corporate Defendants Sony Music Entertainment, Universal Music Group and Warner Music Group manufactured, reproduced and/or distributed and continue to manufacture, reproduce and distribute large numbers of copies of these songs which have violated Plaintiffs’ copyright and are at issue in this lawsuit.

9. Corporate Defendants Def Jam Records, Motown Records, Epic Records, Profile Records, Tommy boy records, Delicious Vinyl, Ruthless records, Luke records,

Interscope records, and M.A.F.E. Music LLC have not only marketed and exploited the songs that are at issue in this lawsuit, but have granted or caused to be granted to various parties, licenses to reproduce, sample and/or distribute the songs that are in violation of Plaintiffs' copyright.

#### **IV. PARTIES**

##### **TWILIGHT RECORDS**

10. Plaintiff, Twilight Records Inc., is an Illinois corporation engaged in the business of selling samples of various sound recordings. Syl Johnson, the creator of the sound recording assigned Twilight Records both common law and United States copyright of the sound recording "Different Strokes."

##### **SYL-ZELMUSIC INC.**

11. Syl-Zel Music Inc. is an Illinois corporation and is in the business of music publishing and administration. Syl-Zel Music Inc. is the publishing administrator for John Cameron and John Zachary, writers of the composition, "Different Strokes."

##### **USHER RAYMOND**

12. Upon information and belief, Defendant Usher Raymond a/k/a "Usher" is an adult citizen of the State of Georgia. He is engaged in the business of writing, publishing, performing and producing music. At all times relevant to this complaint, he performed the song "Call me a Mack", which infringed on the song Different Strokes

##### **KENDRICK LAMAR DUCKWORTH a/k/a KENDRICK LAMAR**

13. Upon information and belief, Defendant Kendrick Lamar Duckworth a/k/a Kendrick Lamar is an adult citizen of the State of California. He is engaged in the business of writing, publishing, performing and producing music. At all times relevant to this complaint, he collaborated with Bryan Sledge in the performance of the song "His Pain II", which infringes on the song "Different Strokes."

##### **BRYAN SLEDGE a/k/a BJ THE CHICAGO KID**

14. Upon information and belief, Defendant Bryan Sledge a/k/a BJ the Chicago kid is an adult citizen of the State of Illinois. He is engaged in the business of writing, publishing, performing and producing music. At all times relevant to this complaint, he collaborated with Kendrick Lamar in the performance of the song "His Pain II". "His Pain II" samples the song "Different Strokes."

**WILLIAM JONATHAN DRAYTON JR. a/k/a FLAVOR FLAV**

15. Upon information and belief, Defendant William Jonathan Drayton a/k/a “Flavor Flav” is an adult citizen of the State of Nevada. He is engaged in the business of writing, publishing, performing and producing music. At all times relevant to this complaint, he was a member of the group Public Enemy, which performed “Fear of a black planet”, Fight the Power”, “Miuzi weighs a ton” and “Hard rhyming”, all of which are infringing on the song “Different Strokes.”

**CARLTON DOUGLAS RIDENHOUR a/k/a CHUCK D**

16. Upon information and belief, Defendant Carlton Douglas Ridenhour a/k/a “Chuck D” is an adult citizen of the State of California. He is engaged in the business of writing, publishing, performing and producing music. At all times relevant to this complaint, he was a member of the group Public Enemy, which performed a number of songs which infringed on the song “Different Strokes.” The songs at issue are “Fear of a black planet”, Fight the Power”, “Miuzi weighs a ton” and “Hard rhyming,” all of which are infringing on the song “Different Strokes.”.

**RICHARD GRIFFIN a/k/a PROFESSOR GRIFF**

17. Upon information and belief, Defendant Richard Griffin a/k/a “Professor Griff” is an adult citizen of the State of New York. He is engaged in the business of writing, publishing, performing and producing music. At all times relevant to this complaint, he was a member of the group Public Enemy, which performed a number of songs which infringed on the song “Different Strokes.” The songs at issue are “Fear of a black planet”, Fight the Power”, “Miuzi weighs a ton” and “Hard rhyming,” all of which are infringing on the song “Different Strokes.”

**NORMAN LEE ROGERS a/k/a TERMINATOR X,**

18. Upon information and belief, Defendant Norman Lee Rogers a/k/a “Terminator X” is an adult citizen of the State of North Carolina. He is engaged in the business of writing, publishing, performing and producing music. At all times relevant to this complaint, he was a member of the group Public Enemy, which performed a number of songs which infringed on the song “Different Strokes.” The songs at issue are “Fear of a black planet”, Fight the Power”, “Miuzi weighs a ton” and “Hard rhyming,” all of which are infringing on the song “Different Strokes.”

**KHARI JAMES WYNN**

19. Upon information and belief, Defendant Khari James Wynn is an adult citizen of the State of Tennessee, He is engaged in the business of writing, publishing, performing and producing

music. At all times relevant to this complaint, he was a member of the group Public Enemy, which performed a number of songs which infringed on the song “Different Strokes.” The songs at issue are “Fear of a black planet”, “Fight the Power”, “Miuzi weighs a ton” and “Hard rhyming,” all of which are infringing on the song “Different Strokes.”

**LISA WILLIAMSON a/k/a/ SISTER SOULJAH**

20. Upon information and belief, Defendant Lisa Williamson a/k/a “Sister Souljah X” is an adult citizen of the State of New York. She is engaged in the business of writing, publishing, performing and producing music. At all times relevant to this complaint, she was featured on the Public Enemy song called “Hard Rhyming”, one of the songs that infringed on “Different Strokes.”

**BRIAN CASEY a/k/a BRASCO**

21. Upon information and belief, Defendant Brian Casey a/k/a “Brasco” is an adult citizen of the State of Georgia. He is engaged in the business of writing, publishing, performing and producing music. At all times relevant to this complaint, he was a member of the group Jagged Edge, which performed “Put A Little Umph in it” which infringes on the song “Different Strokes.”

**BRANDON CASEY a/k/a CASE**

22. Upon information and belief, Defendant Brandon Casey a/k/a “Case” is an adult citizen of the State of Georgia. He is engaged in the business of writing, publishing, performing and producing music. At all times relevant to this complaint, he was a member of the group Jagged Edge, which performed “Put A Little Umph in it” which infringes on the song “Different Strokes.”

**KYLE NORMAN a/k/a QUICK**

23. Upon information and belief, Defendant Kyle Norman a/k/a “Quick” is an adult citizen of the State of Georgia. He is engaged in the business of writing, publishing, performing and producing music. At all times relevant to this complaint, he was a member of the group Jagged Edge, which performed “Put A Little Umph in it” which infringes on the song “Different Strokes.”

**RICHARD WINGO a/k/a WINGO**

24. Upon information and belief, Defendant Richard Wingo a/k/a “Wingo” is an adult citizen of the State of Georgia. He is engaged in the business of writing, publishing, performing and producing music. At all times relevant to this complaint, he was a member of the group Jagged Edge, which performed “Put A Little Umph in it” which infringes on the song “Different Strokes.”

**JOSEPH SIMMONS a/k/a REV RUN**

25. Upon information and belief, Defendant Joseph Simmons a/k/a “Rev Run” is an adult citizen of the State of New Jersey. He is engaged in the business of writing, publishing,

performing and producing music. At all times relevant to this complaint, he was a member of the group “RUN DMC” which performed “Naughty” and “Beats to the Rhyme”. Both compositions infringe on the song “Different Strokes.”

**DARRYL MCDANIELS a/k/a DMC,**

26. Upon information and belief, Defendant Darryl McDaniels a/k/a “DMC” is an adult citizen of the State of New York. He is engaged in the business of writing, publishing, performing and producing music. At all times relevant to this complaint, he was a member of the group “RUN DMC” which performed “Naughty” and “Beats to the Rhyme”. Both compositions infringe on the song “Different Strokes.”

**ESTATE OF JASON MIZELL a/k/a JAM MASTER JAY,**

27. Upon information and belief, Ivan Taback, is administrator of the Estate of Jason Mizell. Ivan Taback is a citizen of the State of New York. At all times relevant to this complaint, Jason Mizell was a member of the group “RUN DMC” which performed “Naughty” and “Beats to the Rhyme”. Both compositions infringe on the song “Different Strokes.” Defendant Ivan Taback, is being sued in his capacity as Administrator of the estate of Jason Mizell.

**ANTHONY CRISS a/k/a TREACH**

28. Upon information and belief, Defendant Anthony Criss a/k/a “Treach” is an adult citizen of the State of New Jersey, He is engaged in the business of writing, publishing, performing and producing music. At all times relevant to this complaint, he was a member of the group “Naughty by Nature” which performed “Sleepin’ on Jersey” which infringes on the song “Different Strokes.”

**ANTHONY VINCENT BROWN a/k/a VIN ROCK**

29. Upon information and belief, Defendant Anthony Vincent Brown a/k/a “Vin Rock” is an adult citizen of the State of New Jersey, He is engaged in the business of writing, publishing, performing and producing music. At all times relevant to this complaint, he was a member of the group “Naughty by Nature” which performed “Sleepin’ on Jersey” which infringes on the song “Different Strokes.”

**KIER GIST a/k/a DJ KAY GEE**

30. Upon information and belief, Defendant Kier Gist a/k/a “DJ Kay Gee” is an adult citizen of the State of New Jersey, He is engaged in the business of writing, publishing, performing and producing music. At all times relevant to this complaint, he was a member of the group “Naughty by Nature” which performed “Sleepin’ on Jersey” which infringes on the song

“Different Strokes.”

**ANDRE WESTON a/k/a DRAY a/k/a KRAZY DRAYZY**

31. Upon information and belief, Defendant Andre Weston a/k/a “Dray” a/k/a “Krazy Drayzy” is an adult citizen of the State of Virginia, He is engaged in the business of writing, publishing, performing and producing music. At all times relevant to this complaint, he was a member of the group “DAS EFX” which performed “Alright” which infringes on the song “Different Strokes.”

**WILLIAM HINES a/k/a WILLIE a/k/a SKOOB**

32. Upon information and belief, Defendant William Hines a/k/a/ "WILLIE", a/k/a “Skoob” is an adult citizen of the State of Virginia, He is engaged in the business of writing, publishing, performing and producing music. At all times relevant to this complaint, he was a member of the group “DAS EFX” which performed “Alright” which infringes on the song “Different Strokes.”

**VINCENT BROWN a/k/a VIN ROCK**

33. Upon information and belief, Defendant Anthony Vincent Brown a/k/a “Vin Rock” is an adult citizen of the State of New Jersey, He is engaged in the business of writing, publishing, performing and producing music. At all times relevant to this complaint, he was a member of the group “DAS EFX” which performed “Alright” which infringes on the song “Different Strokes.”

**ANTHONY TEREEL SMITH a/k/a TONE LOC**

34. Upon information and belief, Defendant Anthony Terrell Smith a/k/a “Tone Loc” is an adult citizen of the State of California, He is engaged in the business of writing, publishing, performing and producing music. He performed the song “On Fire”, which infringes on the song “Different Strokes.”

**TRACY LYN CURRY a/k/a THE D.O. C**

35. Upon information and belief, Defendant Tracy Lynn Curry a/k/a “The D.O.C.” is an adult citizen of the State of California, He is engaged in the business of writing, publishing, performing and producing music. He performed the songs “Beautiful but deadly” and “The D.O.C. and the Doctor”. Both songs infringe on the song “Different Strokes.”

**LUTHER RODERICK CAMPBELL a/k/a UNCLE LUKE**

36. Upon information and belief, Defendant Luther Roderick Campbell a/k/a “Uncle Luke” is an adult citizen of the State of Florida, He is engaged in the business of writing, publishing, performing and producing music. At all times relevant to this complaint, he was a

member of the group “2 Live Crew” which performed the song “2 Live Blues,” which infringes on the song “Different Strokes.”

**DAVID HOBBS a/k/a MR. MIXX**

37. Upon information and belief, Defendant David Hobbs a/k/a “Mr. Mixx” is an adult citizen of the State of Florida, He is engaged in the business of writing, publishing, performing and producing music. At all times relevant to this complaint, he was a member of the group “2 Live Crew” which performed the song “2 Live Blues,” which infringes on the song “Different Strokes.”

**CHRIS WONG WON a/k/a FRESH KID ICE**

38. Upon information and belief, Defendant Chris Wong Won a/k/a “Fresh Kid Ice” is an adult citizen of the State of Florida, He is engaged in the business of writing, publishing, performing and producing music. At all times relevant to this complaint, he was a member of the group “2 Live Crew” which performed the song “2 Live Blues,” which infringes on the song “Different Strokes.”

**YURI VIOLET a/k/a AMAZING V**

39. Upon information and belief, Defendant Yuri Violet a/k/a “Amazing V” is an adult citizen of the State of Florida, He is engaged in the business of writing, publishing, performing and producing music. At all times relevant to this complaint, he was a member of the group “2 Live Crew” which performed the song “2 Live Blues,” which infringes on the song “Different Strokes.”

**MARK ROSS a/k/a BROTHER MARQUIS,**

40. Upon information and belief, Defendant mark Ross a/k/a “Brother Marquis” is an adult citizen of the State of Florida, He is engaged in the business of writing, publishing, performing and producing music At all times relevant to this complaint, he was a member of the group “2 Live Crew” which performed the song “2 Live Blues,” which infringes on the song “Different Strokes.”

**LARRY DOBSON a/k/a VERB**

41. Upon information and belief, Defendant Larry Dobson a/k/a “Verb” is an adult citizen of the State of Florida, He is engaged in the business of writing, publishing, performing and producing music. At all times relevant to this complaint, he was a member of the group “2 Live Crew” which performed the song “2 Live Blues,” which infringes on the song “Different Strokes.”

**MARK WAHLBERG a/k/a MARKY MARK**

42. Upon information and belief, Defendant Mark Wahlberg a/k/a “Marky Mark” is an adult citizen of the State of California. He is engaged in the business of acting, writing,

publishing, performing and producing music. At all times relevant to this complaint, he was a member of the group “Marky Mark and the Funky Bunch” which performed the song “The last song on side B” which infringes on the song “Different Strokes.”

**DONNIE WAHLBERG**

43. Upon information and belief, Defendant Donnie Wahlberg is an adult citizen of the State of California, He is engaged in the business of writing, publishing, performing and producing music. At all times relevant to this complaint, he was a member of the group “Marky Mark and the Funky Bunch” which performed the song “The last song on side B” which infringed on the song “Different Strokes.”

**DANNY WOOD**

44. Upon information and belief, Defendant Danny Wood is an adult citizen of the State of Massachusetts, He is engaged in the business of writing, publishing, performing and producing music. At all times relevant to this complaint, he was a member of the group “Marky Mark and the Funky Bunch” which performed the song “The last song on side B” which infringed on the song “Different Strokes.”

**SCOTT ROSS a/k/a SCOTTIE GEE**

45. Upon information and belief, Defendant Scott Ross a/k/a “Scottie Gee” is an adult citizen of the State of Massachusetts, He is engaged in the business of writing, publishing, performing and producing music. At all times relevant to this complaint, he was a member of the group “Marky Mark and the Funky Bunch” which performed the song “The last song on side B” which infringed on the song “Different Strokes.”

**HECTOR BARROS**

46. Upon information and belief, Defendant Hector Barros is an adult citizen of the State of Massachusetts, He is engaged in the business of writing, publishing, performing and producing music. At all times relevant to this complaint, he was a member of the group “Marky Mark and the Funky Bunch” which performed the song “The last song on side B”. which infringed on the song “Different Strokes.”

**ANTHONY THOMAS a/k/a ASHLEY ACE**

47. Upon information and belief, Defendant Anthony Thomas a/k/a “Ashley Ace” is an adult citizen of the State of Massachusetts, He is engaged in the business of writing, publishing, performing and producing music. At all times relevant to this complaint, he was a member of the

group “Marky Mark and the Funky Bunch” which performed the song “The last song on side B” which infringed on the song “Different Strokes.”

**TERRY YANCEY a/k/a DJ-T**

48. Upon information and belief, Defendant Terry Yancey a/k/a “DJ-T” is an adult citizen of the State of Massachusetts, He is engaged in the business of writing, publishing, performing and producing music. At all times relevant to this complaint, he was a member of the group “Marky Mark and the Funky Bunch” which performed the song “The last song on side B” which infringed on the song “Different Strokes.”

**THOMAS POUGH a/k/a DJ POLO**

49. Upon information and belief, Defendant Thomas Pough is an adult citizen of the State of North Carolina. He is engaged in the business of writing, publishing, performing and producing music. At all times relevant to this complaint, he collaborated with Melvin Glover and Edward Morris in the performance of the song “Yo Playa”, which was on the soundtrack of the HBO movie “First Time Felon” and which infringes on the song “Different Strokes.”

**MELVIN GLOVER a/k/a MELLE MEL,**

50. Upon information and belief, Melvin Glover is an adult citizen of the State of New York. He is engaged in the business of writing, publishing, performing and producing music. At all times relevant to this complaint, he collaborated with Thomas Pough and Edward Morris in the performance of the song “Yo Playa”, which was on the soundtrack of the HBO movie “First Time Felon” and which infringes on the song “Different Strokes.”

**EDWARD MORRIS a/k/a SCORPIO a/k/a MR. NESS**

51. Upon information and belief, Defendant Edward Morris is an adult citizen of the State of New York. He is engaged in the business of writing, publishing, performing and producing music. At all times relevant to this complaint, he collaborated with Melvin Glover and Thomas Pough in the performance of the song “Yo Playa”, which was on the soundtrack of the HBO movie “First Time Felon” and which infringes on the song “Different Strokes.”

**SONY MUSIC ENTERTAINMENT**

52. Upon information and belief, Defendant Sony is a corporation organized and existing under the laws of the State of New York, with its principal place of business in the State of New York.

**UNIVERSAL MUSIC GROUP**

53. Upon information and belief, Defendant Universal Music group is a corporation organized and existing under the laws of the State of California, with its principal place of business in the State of California.

**WARNER MUSIC GROUP**

54. Upon information and belief, Warner Music Group is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in the State of New York.

**LAFACE RECORDS**

55. Upon information and belief, Defendant Universal Music group is a corporation organized and existing under the laws of the State of Georgia, with its principal place of business in the State of Georgia.

**LUKE SKYWALKER RECORDS d/b/a LUKE RECORDS**

56. Upon information and belief, Defendant Luke Records is a corporation organized and existing under the laws of the State of Florida, with its principal place of business in the State of Florida.

**ISLAND DEF JAM RECORDS**

57. Upon information and belief, Defendant Island Def Jam is a Delaware corporation with its principal place of business in the state of New York.

**MOTOWN RECORDS**

58. Upon information and belief, Defendant Motown Records LP is a California limited partnership with its principle place of business in the state of California.

**EPIC RECORDS**

59. Upon information and belief, Epic Records is a corporation organized and existing under the laws of the State of New York, with its principal place of business in the State of New York.

**TOMMY BOY ENTERTAINMENT**

60. Upon information and belief, Defendant Tommy Boy Entertainment is a limited

liability corporation organized and existing under the laws of the State of Delaware with its principle place of business in New York.

#### **DELICIOUS VINYL**

61. Upon information and belief, Defendant Delicious Vinyl is a corporation organized and existing under the laws of the State of California, with its principal place of business in the State of California

#### **RUTHLESS RECORDS**

62. Upon information and belief, Ruthless records is a corporation organized and existing under the laws of the State of California, with its principal place of business in the State of California.

#### **INTERSCOPE RECORDS**

63. Upon information and belief, Interscope Records is a subsidiary of Universal Music group. It is a California General Partnership with its principle place of business in the State of California.

#### **M.A.F.E. MUSIC LLC**

64. Upon information and belief, Defendant M.A.F.E. Music LLC is a corporation organized and existing under the laws of the State of California, with its principal place of business in the State of California.

### **IV. DEFENDANTS UNLAWFUL CONDUCT**

#### **“Fear of a black Planet”**

66. Under the group name of “Public Enemy”, Defendants William Jonathan Drayton a/k/a Flavor Flav, Carlton Douglas Ridenhour a/k/a “Chuch D, Richard Griffin a/k/a “Professor Griff”, Norman Lee Rogers a/k/a “Terminator X” and Khari James Wynn released the song “Fear of a black planet” in 1990. Defendants continue to profit from the song to date.

67. “Fear of a black planet” was released on the Def Jam Records label and distributed by Universal Music Group.

68. The song samples portions of one of the versions of the song "Different Strokes" but does not credit the original creators of the composition in any way.

**“Fight the power”**

69. Under the group name of “Public Enemy”, Defendants William Jonathan Drayton a/k/a Flavor Flav, Carlton Douglas Ridenhour a/k/a “Chuch D, Richard Griffin a/k/a “Professot Griff”, Norman Lee Rogers a/k/a “Terminator X” and Khari James Wynn, released the song “Fight the Power” in 1989. Defendants continue to profit from the song to date.

70. “Fight the power” was released under the Def Jam Record label and distributed by Universal Music Group.

71. The song samples portions of one of the versions of the song "Different Strokes" but does not credit the original creators of the composition in any way.

**“Miuzi weighs a ton”**

72. Under the group name of “Public Enemy”, Defendants William Jonathan Drayton a/k/a Flavor Flav, Carlton Douglas Ridenhour a/k/a “Chuch D, Richard Griffin a/k/a “Professot Griff”, Norman Lee Rogers a/k/a “Terminator X” and Khari James Wynn released the song “Miuzi weighs a ton” in 1987. Defendants continue to profit from the song to date.

73. “Miuzi weighs a ton” was released under the Def Jam record label and was distributed by Universal Music Group.

74. The song samples portions of one of the versions of the song "Different Strokes" but does not credit the original creators of the composition in any way.

**“Hard Rhyming”**

75. Defendants William Jonathan Drayton a/k/a Flavor Flav, Carlton Douglas Ridenhour a/k/a “Chuch D, Richard Griffin a/k/a “Professot Griff”, Norman Lee Rogers a/k/a “Terminator X” and Khari James Wynn under the group Public Enemy, along with Lisa Williamson aka “Sister Souljah” released the song “Hard Rhyming” in 2006. Defendants continue to profit from the song to date.

76. " Hard Rhyming” was released under the Def Jam Record label and distributed by Universal Music Group.

77. The song samples portions of one of the versions of the song "Different Strokes" but does not credit the original creators of the composition in any way.

**“Put a little Umph in it”**

78. Defendants Brian Casey a/k/a “Brasco”, Brandon Brandon Casey a/k/a “Case”, Kyle Norman a/k/a “Quick and Richard Wingo a/k/a Wingo under the group “Jagged Edge” released the song “Put a little Umph in it” in 2007. Defendants continue to profit from the song to date.

79. “Put a little Umph in it” was released under the Def Jam record label and distributed by Universal Music Group.

80. The song samples portions of one of the versions of the song "Different Strokes" but does not credit the original creators of the composition in any way.

**“Call me a Mack”**

81. Defendant Usher Raymond a/k/a “Usher” released the song “Call me a Mack” in 1993. Defendants continue to profit from the song to date.

82. “Call me a Mack” was released under the Epic records label and distributed by Sony Music Group.

83. The song samples portions of one of the versions of the song "Different Strokes" but does not credit the original creators of the composition in any way.

**“Naughty”**

84. Under the group name “RUN DMC”, Defendants Darryl McDaniels a/k/a/ “DMC” and Jason Mizell released the song “Naughty” in 1990. Defendants continue to profit from the song to date.

85. “Naughty” was released under the Profile records label.

86. The song samples portions of one of the versions of the song "Different Strokes" but does not credit the original creators of the composition in any way.

**“Beats to the Rhyme”**

87. Under the group name “RUN DMC”, Defendants Darryl McDaniels a/k/a/ “DMC” and Jason Mizell released the song “Beats to the Rhyme.” Defendants continue to profit from the song to date.

88. “Beats to the Rhyme” was released under the Profile records label and distributed by Universal Music Group.

89. The song samples portions of one of the versions of the song "Different Strokes" but does not credit the original creators of the composition in any way.

**“Sleeping on Jersey”**

90. Under the group name “Naughty by Nature” , Defendants Anthony Criss a/k/a “Treach”, Anthony Vincent Brown a/k/a Vin Rock and Kier Gist a/k/a DJ Kay Gee released the song “Sleeping in Jersey” in 1993. Defendants continue to profit from the song to date.

91. “Sleeping on Jersey ” was released under the Tommy Boy Record label, now d/b/a Tommy Boy Entertainment and distributed by Warner Music group.

The song samples portions of one of the versions of the song "Different Strokes" but does not credit the original creators of the composition in any way.

**“Alright”**

92. Under the group ‘DAS EFX’, Defendants Andre Weston a/k/a “Dray” a/k/a “Krazy Drayzy, William Hines a/k/a/ "WILLIE", a/k/a “SKOOB” and Vincent Brown a/k/a “Vin Rock” released the song “Alright ” in 1995. Defendants continue to profit from the song to date.

93. “Alright” was released under the East West Records label and distributed by Warner Music Group.

94. The song samples portions of one of the versions of the song "Different Strokes" but does not credit the original creators of the composition in any way.

**“On fire”**

95. Defendant Anthony Terrell Smith a/k/a “Tone Loc” released the song “On fire” in 1987. Defendants continue to profit from the song to date.

97. “On fire” was released under the Delicious Vinyl Record label and independently distributed.

98. The song samples portions of one of the versions of the song "Different Strokes" but does not credit the original creators of the composition in any way.

**“Beautiful but deadly”**

99. Defendant Tracy Lynn Curry a/k/a “The D.O.C.” released the song “Beautiful but deadly” in 1989. Defendants continue to profit from the song to date.

100. “Beautiful but deadly” was released under the Ruthless Records label.

101. The song samples portions of one of the versions of the song "Different Strokes" but does not credit the original creators of the composition in any way.

**“Live Blues”**

102. Under the group name of “2 Live Crew”, Defendants Luther Roderick Campbell a/k/a “Uncle Luke”, David Hobbs a/k/a “Mr. Mixx”, Chris Wong Won a/k/a “Fresh Kid Ice”, Yuri Violet a/k/a “Amaving V”, Mark Ross a/k/a “Brother Marquis” and Larry Dobson a/k/a “Verb” released the song “2 Live Blues” in 1989. Defendants continue to profit from the song to date.

96. “2 Live Blues” was released under the Luke Skywalker records label .

97. The song samples portions of Plaintiffs' song "Different Strokes" but does not credit Plaintiff in any way.

**“The last song on side B”**

98. Under the group name “Marky Mark and the Funky Bunch” Defendants Donnie Wahlberg, Danny Wood, Scott Ross a/k/a “Scottie Gee”, Hector Barros, Anthony Thomas a/k/a “Ashley Ace” and Terry Yancey a/k/a “DJ-T” released the song “The last song on B side” in 1991. Defendants continue to profit from the song to date.

99. “The Last song on B side was released on the Interscope Record label and distributed by Universal Music Group.

100. The song samples portions of one of the versions of the song "Different Strokes" but does not credit the original creators of the composition in any way.

**“His Pain II”**

101. Defendants Bryan Sledge released the song “His Pain II”, featuring Defendant Kendrick Lamar in 2012. Defendants continue to profit from the song to date.

102. “His Pain II” was released under the M.A.F.E. Music Record label

103. The song samples portions of one of the versions of the song "Different Strokes" but does not credit the original creators of the composition in any way.

**“Yo Playa”**

104. Defendants Thomas Pough, Melvin Glover and Edward Morris released the song “Yo Playa”, in 1998. Defendants continue to profit from the song to date.

105. “Yo playa ” was on the soundtrack of the HBO movie release “First time Felon”.

106. The song samples portions of one of the versions of the song "Different Strokes" but does not credit the original creators of the composition in any way.

**COUNT I**

**FEDERAL LAW COPYRIGHT INFRINGEMENT**

**AGAINST INDIVIDUAL DEFENDANTS**

USHER RAYMOND a/k/a USHER , KENDRICK LAMAR DUCKWORTH a/k/a KENDRICK LAMAR, BRYAN SLEDGE a/k/a BJ THE CHICAGO KID, WILLIAM JONATHAN DRAYTON JR. a/k/a FLAVOR FLAV, LISA WILLIAMSON a/k/a/ SISTER SOULJAH,CARLTON DOUGLAS RIDENHOUR a/k/a CHUCK D, RICHARD GRIFFIN a/k/a PROFESSOR GRIFF, NORMAN LEE ROGERS a/k/a TERMINATOR X, KHARI JAMES WYNN, BRIAN CASEY a/k/a BRASCO, BRANDON CASEY a/k/a CASE, KYLE NORMAN a/k/a QUICK, RICHARD WINGO a/k/a WINGO,JOSEPH SIMMONS a/k/a REV RUN, DARRYL MCDANIELS a/k/a DMC, IVAN TABACK , IVAN TABACK, Administrator of the ESTATE OF JASON MIZELL a/k/a JAM MASTER JAY, ANTHONY CRISS a/k/a/ TREACH, VINCENT BROWN a/k/a VIN ROCK, KIER GIST a/k/a DJ KAY GEE, ANDRE WESTON a/k/a DRAY a/k/a KRAZY DRAYZY, WILLIAM HINES a/k/a WILLIE a/k/a SKOOB, ANTHONY TEREEL SMITH a/k/a TONE LOC, TRACY LYN CURRY a/k/a THE D.O. C, LUTHER RODERICK CAMPBELL a/k/a UNCLE LUKE, DAVID HOBBS a/k/a MR. MIXX, CHRIS WONG WON a/k/a FRESH KID ICE,YURI VIOLET a/k/a AMAZING V, MARK ROSS a/k/a BROTHER MARQUIS, LARRY DOBSON a/k/a VERB, MARK WAHLBERG a/k/a MARKY MARK, DONNIE WAHLBERG, DANNY WOOD, SCOTT ROSS a/k/a SCOTTIE GEE, HECTOR BARROS, ANTHONY THOMAS a/k/a

ASHLEY ACE, TERRY YANCEY a/k/a DJ-T, THOMAS POUGH a/k/a DJ POLO, MELVIN GLOVER a/k/a MELLE MEL, EDWARD MORRIS a/k/a SCORPIO a/k/a MR. NESS) .

107. Plaintiff hereby incorporates by reference the allegations contained in Paragraphs 1 through 106.

108. Plaintiffs own the federal registered copyright in the derivative recording of "Different Strokes."

109. Defendants were and are aware of Plaintiffs' rights in the composition.

110. Defendants were aware at all times relevant to this complaint that "Different Strokes" was the original expression of Syl Johnson, John Zachary and John Cameron, and that it was not the original expression of Defendants or anyone else associated with Defendants, and that the work was and continues to be protected by copyright.

111. Without Plaintiffs' knowledge or consent, Defendants infringed on the copyright in the composition by copying portions of one of the versions of the composition "Different strokes" and including it in a new composition without permission.

112. Without Plaintiffs' knowledge, permission or consent, Defendants infringed on the sound recording copyright of the composition by sampling excerpts of one of the versions of the sound recording "Different Strokes" without authorization.

113. Defendants have not paid any royalties or other compensation to Plaintiffs for Defendants' copying and unauthorized uses of plaintiffs work.

114. Defendants' conduct violated 17 U.S.C. § 106, and Defendants are liable under 17 U.S.C. § 501.

115. All the Defendants' infringing acts described herein were committed willfully and continue to be committed willfully as they are still being distributed.

116. Plaintiffs are entitled to recover all damages sustained as a result of Defendants' unlawful conduct.

## **COUNT II**

### **ILLINOIS COMMON LAW UNFAIR COMPETITION AND MISAPPROPRIATION AGAINST INDIVIDUAL DEFENDANTS**

(KENDRICK LAMAR DUCKWORTH a/k/a KENDRICK LAMAR, BRYAN SLEDGE a/k/a BJ THE CHICAGO KID, WILLIAM JONATHAN DRAYTON JR. a/k/a FLAVOR FLAV, LISA WILLIAMSON a/k/a/ SISTER SOULJAH, CARLTON DOUGLAS RIDENHOUR a/k/a

CHUCK D, RICHARD GRIFFIN a/k/a PROFESSOR GRIFF, NORMAN LEE ROGERS a/k/a TERMINATOR X, KHARI JAMES WYNN, BRIAN CASEY a/k/a BRASCO, BRANDON CASEY a/k/a CASE, KYLE NORMAN a/k/a QUICK, RICHARD WINGO a/k/a WINGO, USHER RAYMOND, JOSEPH SIMMONS a/k/a REV RUN, DARRYL MCDANIELS a/k/a DMC, IVAN TABACK, IVAN TABACK, Administrator of the ESTATE OF JASON MIZELL a/k/a JAM MASTER JAY, ANTHONY CRISS a/k/a TREACH, VINCENT BROWN a/k/a VIN ROCK, KIER GIST a/k/a DJ KAY GEE, ANDRE WESTON a/k/a DRAY a/k/a KRAZY DRAYZY, WILLIAM HINES a/k/a WILLIE a/k/a SKOOB, ANTHONY TERELL SMITH a/k/a TONE LOC, TRACY LYN CURRY a/k/a THE D.O. C, LUTHER RODERICK CAMPBELL a/k/a UNCLE LUKE, DAVID HOBBS a/k/a MR. MIXX, CHRIS WONG WON a/k/a FRESH KID ICE, YURI VIOLET a/k/a AMAZING V, MARK ROSS a/k/a BROTHER MARQUIS, LARRY DOBSON a/k/a VERB, MARK WAHLBERG a/k/a MARKY MARK, DONNIE WAHLBERG, DANNY WOOD, SCOTT ROSS a/k/a SCOTTIE GEE, HECTOR BARROS, ANTHONY THOMAS a/k/a ASHLEY ACE, TERRY YANCEY a/k/a DJ-T, THOMAS POUGH a/k/a DJ POLO, MELVIN GLOVER a/k/a MELLE MEL, EDWARD MORRIS a/k/a SCORPIO a/k/a MR. NESS)

117. Plaintiff hereby incorporates by reference the allegations contained in Paragraphs 1 through 116.

118. Plaintiffs own the Illinois common law copyright in the sound recording of the original music composition "Different Strokes."

119. Defendants were and are aware of Plaintiffs' rights in the composition.

120. Defendants were aware at all times relevant to this complaint that "Different Strokes" was the original expression of Syl Johnson, John Zachary and John Cameron, and that it was not the original expression of Defendants or anyone else associated with Defendants, and that the work was and continues to be protected by copyright.

121. Without Plaintiffs' knowledge or consent, Defendants infringed on the copyright in the sound recording by copying portions of one of the versions of the sound recording "Different Strokes" and including it in a new composition without permission, thus appropriating a valuable business asset belonging to Plaintiff.

122. Defendants have not paid any royalties or other compensation to Plaintiffs for Defendants' copying and unauthorized uses of plaintiffs work. Defendants' conduct is in

violation of Illinois common law as it relates to the torts of Unfair competition and Misappropriation.

123. Pursuant to title 17 United States Code, sec/ 301(c), Plaintiffs' rights in the sound recording are protected from defendants' misappropriation and unfair competition under Illinois state law by the same rights and remedies that protect copyright owners regarding infringement of federal sound recording copyrights on sound recordings that were fixed after February 15, 1972.

124. The continued unauthorized use by defendants of portions of the original sound recording of "Different Strokes" constitutes the continuing torts of unfair competition and wrongful appropriation (piracy) of said sound recording under the common law and statutory law of the State of Illinois

125. All the Defendants' infringing acts described herein continue to be committed willfully.

126. Plaintiffs are entitled to recover all damages sustained as a result of Defendants' unlawful conduct.

### **COUNT III**

#### **CONTRIBUTORY COPYRIGHT INFRINGEMENT**

(Against SONY MUSIC ENTERTAINMENT, UNIVERSAL MUSIC GROUP, WARNER MUSIC, LAFACE RECORDS, LUKESKYWALKER RECORDS, ISLAND DEF JAM RECORDS, MOTOWN RECORDS, EPIC RECORDS, TOMMY BOY RECORDS, DELICIOUS VINYL, RUTHLESS RECORDS, INTERSCOPE RECORDS, M.A.F.E. MUSIC and SALMON RECORDS)

127. Plaintiffs hereby incorporate by reference the allegations contained In paragraphs 1 through 126.

128. Plaintiffs, as the owner of the registered copyright in the original musical Compositions as well as the subsequently recorded derivative have the exclusive right to authorize the performance, reproduction, and distribution of this work pursuant to Illinois law as well as 17 U.S.C. § 106.

129. Upon information and belief, Defendants Sony Music Entertainment, Universal Music Group and Warner Music Group have manufactured, reproduced and/or distributed and continue to manufacture, reproduce and distribute large numbers of copies of songs which have violated Plaintiffs copyright and are at issue in this lawsuit.

130. Upon information and belief, Defendants Def Jam Records, Motown Records, Epic Records, Profile Records, Tommy boy records, Delicious Vinyl, Ruthless records, Luke records,

Interscope records and M.A.F.E. Music LLC have marketed and exploited the songs that are at issue in this lawsuit. Defendants have also caused or granted to various parties, license to reproduce, sample and/or distribute some of the songs that have violated Plaintiffs copyright.

131. Defendants Sony Music Entertainment, Universal Music Group, Warner Music Group, Island Def Jam, Motown Records, Epic Records, Profile Records, Tommy boy records, Delicious Vinyl, Ruthless records, Luke records, Interscope records and M.A.F.E. Music LLC have willfully contributed to the infringement of Plaintiffs' copyrights.

132. Plaintiffs are entitled to recover all damages sustained as a result Sony Music Entertainment, Universal Music Group, Warner Music Group, Island Def Jam, Motown Records, Epic Records, Profile Records, Tommy boy records, Delicious Vinyl, Ruthless records, Luke records, Interscope records and M.A.F.E. Music LLC's contributory copyright infringement.

#### **COUNT IV**

#### **ACTION FOR ACCOUNTING**

(Against all Defendants)

133. Plaintiffs hereby incorporates by reference the allegations contained in paragraphs 1 through 132.

134. Compensation is due and owing from Defendants to Plaintiffs. Plaintiffs are not in the position to ascertain the proper compensation they are due without an accounting of Defendants sales and revenues from the use of Plaintiffs' sound recording and a judgment for the balance.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs Twilight Records and Syl-Zel Music Inc. pray that this Honorable Court grant the following relief in their favor:

1. Permanently restrain and enjoin Defendants and all persons acting in concert with Defendants of acting or purporting to act on their behalf, from infringing Plaintiffs federal and common-law copyrights in any manner whatsoever, and specifically distributing copies of Plaintiffs musical composition or sound recording;
2. Order the impounding of all musical compositions and sound recordings in

Defendants possession, custody, or control that were made or used in violation of Plaintiffs federal and common law copyrights pursuant to 17 V.S.C. § 106;

3. Award Plaintiffs their actual damages and Defendants' profits attributed to Defendants' act of infringement;

4. Order a full accounting from Defendants arising out the sales and publishing activities relating to any of Plaintiffs' rights, and render a judgment for the balance due to Plaintiffs;

5. Award punitive damages appropriate to the egregious nature of Defendants' tortuous conduct;

6. Award Plaintiffs' attorney fees and costs pursuant to 17 U.S.C. §505; and

7. Award such other relief as is warranted by the facts and the law and is just under the circumstances. Plaintiff hereby demands a jury trial on all issues properly triable before a jury.

**PLAINTIFF DEMANDS TRIAL BY JURY ON ALL COUNTS.**

Respectfully submitted,

The Dowuonah Law Office

By: /s/Amina Dowuonah

Attorney for Plaintiff

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